



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 33950340

Date: SEPT. 24, 2024

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner is an assistant professor who seeks classification as an alien of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Texas Service Center Director denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding the record did not establish that the Petitioner had a major, internationally recognized award, nor did she demonstrate that she met at least three of the ten regulatory criteria. The matter is now before us on appeal. The Petitioner bears the burden of proof to demonstrate eligibility to U.S. Citizenship and Immigration Services by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

On appeal, the Petitioner presents additional arguments and evidence relating to some of the criteria, but none that fully addresses all of the regulatory requirements while also overcoming the Director's analysis. After reviewing the entire record, we adopt and affirm the Director's decision. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting the practice of adopting and affirming the decision below has been "universally accepted by every other circuit that has squarely confronted the issue"); *Edwards v. U.S. Att'y Gen.*, 97 F.4th 725, 734 (11th Cir. 2024) (joining every other U.S. Circuit Court of Appeals in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case).

The Petitioner abandoned her claims relating to prizes or awards and a high salary or significantly high remuneration. Further, she still does not offer evidence that the organizations in which she is a member utilize nationally or internationally recognized experts to judge the achievements of prospective members to determine if the achievements are outstanding, nor did she show that some entities require outstanding achievements as a condition of membership versus exhibiting excellence and high ethical standards. And still lacking from the record is evidence that the publications that published material about her and related to her work in the field were one of the regulatory required publication types despite the Director

addressing that aspect in the denial. We do not question the originality of her research, but she continues to fall short of demonstrating her contribution have significantly impacted the field through incremental recognition from the field. And finally relating to performing in a leading or critical role, she has not adequately addressed and overcome the Director's determination that she did not show she contributed to the organizations that is of significance to the entity itself.

ORDER: The appeal is dismissed.